

(15)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

8-15-00

SC

WALTER PENN,
Plaintiff

CIVIL ACTION

v.
NO. 1:CV-00-0771

FILED

BEN VARNER, et al.,
Defendants

(JUDGE RAMBO)

HARRISBURG, PA

AUG 14 2000

Re: Courts Order of August 2, 2000, in
The Above Captioned CaseP/2SLC-T/M Van Wier
MARY E DIANDREA, O/C
Per SG
SUSP'D C/O

Dear Judge Rambo:

Your Honor, may it please the Court. In view of the deliberate failure of prison officials to mail plaintiffs motions to the court, when turned over to them in a timely-fashion; and, the apparent negligence of the district court clerk, to submit plaintiffs communications to the Court when they are received, plaintiff feels at this point in time, that he should correspond directly to the court.

Your Honor, with all due respect to the court, plaintiff was shocked when he received the courts Order of August 2,2000, stating that, "Plaintiffs motion in opposition to Defendants' motion to dismiss the complaint, was long-overdue and that Plaintiff has filed no-motion for extention of time."

Your Honor, with all due respect, plaintiff humbly disagrees with the court. Please find enclosed herewith, Exhibit "C-1," which consist of: the DC-138A-Cashslip, Certified mail receipt and the Domestic return receipt received and signed by the Clerk of Court on July 27,2000, six-day's after plaintiff mailed his motion for enlargement of time on July 21,2000, there is no reason why prison-officials didn't mail plaintiffs motion on July 22,2000, and there is no reason why the district court clerk, did not submit plaintiffs motion to the court before August 2,2000. Also enclosed herewith, are Exhibit "C-2," which consist of: the DC-138A-Cashslip, Certified mail receipt and the Domestic return receipt, received and signed by the district court clerk on August 2,2000, four-day's after plaintiff mailed his motion in opposition to dismiss the complaint; and, the same day the court issued its Order, again, there is no reason why the Clerk didn't submit Plaintiff motion in opposition-to defendants' motion to dismiss the complaint, to the court.

(CONTINUED ON ATTACHED PAGE...)

(...CONTINUED)

Your Honor, the undue delay by prison officials in mailing plaintiffs motions to the court, is purposely calculated to cause the court to act in the exact manner, as demonstrated by the courts Order of August 2, 2000, i.e., a warning that the complaint will be dismissed due to the failure of the plaintiff to communicate with the court in a timely-fashion.

RESPECTFULLY SUBMITTED,

Walter Penn, Pro Se.

Dated: 8/10/2000

COMPLETE THIS SECTION

Items 1, 2, and 3. Also complete
if space permits.
stricted Delivery is desired.
ame and address on the reverse
can return the card to you.
card to the back of the mailpiece,
nt if space permits.

ssed to:
U.S. District Court
ut Street
x 983
rg, PA 17108

n Opposition to De-
motion. 7/29/2000

* (Copy from service label) 7099 3220 0007 2811. 0476

, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **AUG 02 2000** B. Date of Delivery

C. Signature **X ST Baric AUG 02 2000**

D. Is delivery address different from item 1? If YES, enter delivery address below: No

3. Service Type

- | | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) Yes

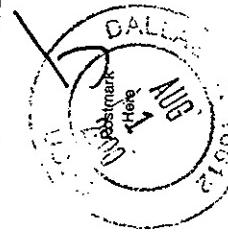
U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage)

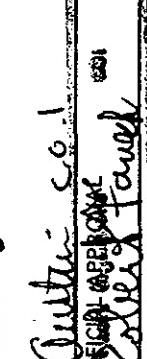
Article Sent To:

Clerk of U.S. District Court

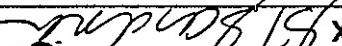
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	585

Name (Please Print Clearly) (To be completed by mailer)
Street, Apt. No., or P.O. Box No. **Walter Penn AP-9156, 7/29/2000**
1000 Follies Road



CASH SLIP		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	
1. REQUISITIONING INMATE INSTITUTIONAL NUMBER AP-9156 LOCATION J-Blk. DATE 7/29/2000		2. RECEIVING INMATE INSTITUTIONAL NUMBER LOCATION DATE	
3. ITEMS TO BE CHARGED TO MY ACCOUNT <p>Please deduct funds from my account to cover certified legal-mail, to the United States District Court for the Middle District. Send to:</p> <p>Clerk's Office U.S. District Court 228 Walnut Street P.O. Box 983 Harrisburg, PA 17108</p>			
4. PAYMENT SIGNATURE  5. BUSINESS OFFICE'S SPACE  CHARGE ENTERED 01 BOOKKEEPER \$ 585			

Exhibits-C-2

SENDER: COMPLETE THIS SECTION ON DELIVERY		RECEIVER: PRINT CLEARLY OR TYPE											
<p>A. Received by <input checked="" type="checkbox"/> Please Print Clearly <input type="checkbox"/> Date of Payment</p> <p>B. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>C. Signature </p>		<p>1. Article Addressed to: CLERK'S OFFICE U.S. DISTRICT COURT 228 WALNUT STREET HARRISBURG, PA 17108 PC O. BOX 983</p> <p>2. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>5. Article Number (Copy from service label)</p> <p>6. Return Receipt for Merchant? <input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> C.O.D.</p> <p>7. Registered Mail <input type="checkbox"/> Express Mail</p> <p>8. Merchandise Received? <input type="checkbox"/> Yes</p>											
<p>RE: motion for Preliminary Injunction filed July 21, 2000</p> <p>Time. Filed July 21, 2000</p> <p>PS Form 3811, July 1999 Domestic Return Receipt</p> <p>10259-99-M-1789</p>													
<p>U.S. POSTAL SERVICE CERTIFIED MAIL RECEIPT</p> <p>(Domestic Mail Only; No Insurance Coverage Provided)</p> <p>Article Sent To:</p> <p>Clerk of U.S. District Court</p> <table border="1"> <tr> <td>Postage \$</td> <td></td> </tr> <tr> <td>Certified Fee</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 3.42</td> </tr> </table> <p><i>[Circular postmark from Dallas, Texas, dated July 26, 1999]</i></p> <p>220 0007 2811 0421</p>				Postage \$		Certified Fee		Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ 3.42
Postage \$													
Certified Fee													
Return Receipt Fee (Endorsement Required)													
Restricted Delivery Fee (Endorsement Required)													
Total Postage & Fees	\$ 3.42												

DC-138A	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS		
CASH SLIP			
1. REQUISITIONING INMATE Walter Penn			
INSTITUTIONAL NUMBER	LOCATION	DATE	
AP-9156	J-Blk. 83-Cell	7/21/2000	
2. RECEIVING INMATE			
INSTITUTIONAL NUMBER	LOCATION	DATE	
3. ITEMS TO BE CHARGED TO MY ACCOUNT			
Please deduct postage for certified mail and send to: Office of the Clerk United States District Court Middle District 228 Walnut Street P.O. Box 983 Harrisburg, PA 17108			
Please send immediately, deadline is Monday. Re: Motion for Enlargement of Time			
4. INMATE'S SIGNATURE <i>John J. Dink</i>			
5. OFFICIAL APPROVAL <i>D.J. Dink C.O.</i>			
6. BUSINESS OFFICE'S SPACE			
CHARGE ENTERED	DATE	BOOKKEEPER	
\$ 3.42		<i>John J. Dink</i>	
JUL 26 2000			